

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

Case No. 8:19-cv-652-T-60CPT

JOHNNY G'S LLC,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Christopher P. Tuite, United States Magistrate Judge, entered on November 13, 2020. (Doc. 46). Judge Tuite recommends that “Plaintiff’s Motion for Default Judgment” (Doc. 41) be granted in part and denied in part. Specifically, Judge Tuite recommends that the Court find that Plaintiff Joe Hand Promotions, Inc. is entitled to a default judgment against Defendant Johnny G’s LLC on Count I of its complaint in the amount of \$22,765.¹ Neither Plaintiff nor Defendant filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d

¹ This amount is comprised of \$5,200 in statutory damages, \$15,600 in enhanced statutory damages, \$1,500 in attorney’s fees, and \$465 in costs. Judge Tuite recommends that the costs related to serving process on Johnny G’s be limited to \$65 rather than the \$501.80 requested in the motion.

732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Tuite's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Tuite's detailed and well-reasoned factual findings and legal conclusions. Consequently, "Plaintiff's Motion for Default Judgment" (Doc. 41) is granted in part and denied in part.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Tuite's report and recommendation (Doc. 46) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Plaintiff's Motion for Default Judgment" (Doc. 41) is hereby **GRANTED IN PART** and **DENIED IN PART**.
- (3) The motion is **GRANTED** to the extent that the Court finds that Plaintiff Joe Hand Promotions, Inc. is entitled to final default judgment against Defendant Johnny G's LLC. Plaintiff is to be awarded damages as follows: \$5,200 in statutory damages, \$15,600 in enhanced statutory

damages, \$1,500 in attorney's fees, and \$465 in costs.

- (4) The Clerk is directed to enter final default judgment in favor of Plaintiff Joe Hand Promotions, Inc., and against Defendant Johnny G's LLC, in accordance with this Order.
- (5) The motion is **DENIED** to the extent Plaintiff seeks any greater or different relief.
- (6) The Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 30th day of November, 2020.



TOM BARBER
UNITED STATES DISTRICT JUDGE